## FILED UNITED STATES DISTRICT GOURTRES OFFICE District of Massachusetts

JOSEPH P. SCHMITT, PRO SE., PLAINTIFF, VS.	2005 JAN 19 🟳 2: 51
	U.S. DISTRICT COURT DISTRICT OF MASS
	) C.A. 04-10451-RWZ
JEFFREY SMITH, ET. AL., DEFENDANTS.	, )

## PLAINTIFF'S PRO SE REQUEST FOR JUSTICE R. W. ZOBEL TO RECUSE HIMSELF FROM THE ABOVE-CAPTIONED ACTION

Now comes the pro se plaintiff in the above-captioned action and files this request for Justice R. W. Zobel to recuse himself from the above-captioned action.

As grounds for this request plaintiff states the following:

- Plaintiff filed an official complaint against Justice R. W. Zobel and although this complaint was resolved without sanctions or wrong doing being found, it is very reasonable to believe that such complaint has effected the ability to be totally impartial.
- Plaintiff has filed many motions in the above action and a related action 2. filed in this court that Justice R. W. Zobel is presiding over and all of my motions appear to be getting denied. On the contrary all of the defendants motions are being granted extremely fast which gives this plaintiff absolutely no real time to challenge the motions.
- Plaintiff has the right to expect equal protection and justice from the 3. court and this equality simply cannot and has not been forthcoming from Justice R. W. Zobel.
- Plaintiff is pro se and must have a non biased Justice in order to have 4. true justice served for the violations of his rights caused by the defendants.

WHEREFORE, plaintiff prays that Justice R. W. Zobel will grant his request and recuse himself from the above captioned action as well as the related action filed in this court in which he presides over, Schmitt vs. Mulvey 04-10717-RWZ.

Dated: January 20,2005

Respectfully Submitted,

Joseph P. Schmitt, pro se MA. Treatment Center 30 Administration Road Bridgewater, Massachusetts 02324-3230

Cc: JPS FILE